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*Ali Makoui*  
Ali Makoui

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application for:

Barin G. Haskell, et al.

Serial No.: 10/615,117

Filing Date: 07/07/2003

For: METHOD AND APPARATUS  
FOR CONTROL OF RATE-  
DISTORTION TRADEOFF BY  
MODE SELECTION IN VIDEO  
ENCODERS

Examiner: Shawn S. An

Group Art Unit: 2613

**STATEMENT CONCERNING PREVIOUSLY SUBMITTED INFORMATION  
DISCLOSURE STATEMENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants have prepared this statement in regards to two Information Disclosure Statements, the first submitted on September 16, 2005 (the "first IDS") and the second submitted on October 25, 2005 (the "second IDS").

**I. IDS Submitted on September 16, 2005**

As for the first IDS, Applicants have noticed that the Examiner has crossed off and did not initial certain references on the Form 1449A/PTO, submitted on September 16, 2005. These

Serial No. 10/615,117  
Docket No. APLE.P0035  
Client Docket No. P3088US1

crossed off references included three foreign patent documents (items 5-7) and three non-patent literature documents (items 10-12).

As for the non-patent literature, all items 10-12 are duplicate copies of references cited in a previous IDS submitted on April 19, 2004. These were mistakenly re-cited in the first IDS and do not need to be re-initialed by the Examiner.

On the other hand, the foreign patent documents (items 5-7) were not previously cited but they are counterparts of either USP 5790131 or USP 5923376, which are listed as items 1 and 4 in the first IDS. USP 5790131 or USP 5923376 were listed as references in the International Search Report, dated 03-12-2004, of a related PCT application. This International Search Report was previously cited in the April 19, 2004 IDS. Given that the foreign patent documents (items 5-7 in the first IDS) are counterparts of either USP 5790131 or USP 5923376, Applicants did not provide copies of these references, pursuant to Rule 37 CFR § 1.98(c), which states that Applicants do not need to provide copies of cumulative references.

Accordingly, Applicants respectfully request that the Examiner initial these references. To this end, Applicants have attached another copy of the 1449 form for the first IDS. In this attached copy, Applicants have crossed off the duplicate non-patent literature documents (i.e., items 10-12), which were previously cited in the IDS dated April 19, 2004. Applicants respectfully request that the Examiner initial and return the attached 1449 form.

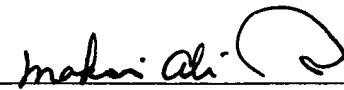
## **II. IDS Submitted on October 25, 2005**

As for the second IDS submitted on October 25, 2005, Applicants believe that they have timely submitted this IDS to the USPTO. Applicants respectfully request from the Examiner to make these documents of record. Applicants would appreciate the Examiner initialing and

returning the Form 1449A/PTO, indicating that the information has been considered and made of record herein.

Dated: November 11, 2005

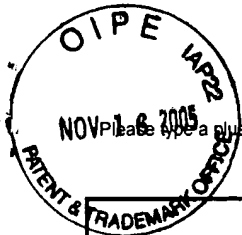
Respectfully submitted,

By: 

**Ali Makoui**

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Based on PTO/SB/08 a & b (05-03)  
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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/615,117
				Filing Date	07-07-2003
				First Named Inventor	Barin G. Haskell
				Group Art Unit	2613
				Examiner Name	An, Shawn S.
Sheet	1	of	2	Attorney Docket Number	APLE.P0035

U.S. PATENT DOCUMENTS						
Examiner* Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	1.	5,790,131	A	08-04-1998	Liang, et al.	
	2.	5,867,221	A	02-02-1999	Pullen, et al.	
	3.	5,872,598	A	02-16-1998	Legall, et al.	
	4.	5,923,376	A	07-13-1999	Pullen, et al.	

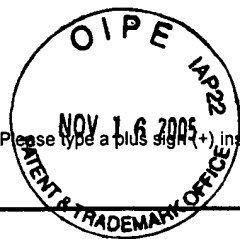
FOREIGN PATENT DOCUMENTS								
Examiner* Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Date of Publication MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code (if known) <sup>5</sup>				
	5.	AU	2,597,697	A	10-22-1997	Iterated Systems, Inc.	See Int'l. Search Rep.- Form PCT/ISA/210 (Counterpart to US 5923376 A)	
	6.	AU	3,208,897	A	12-05-1997	Iterated Systems, Inc.	See Int'l. Search Rep.- Form PCT/ISA/210 (Counterpart to US 5790131 A)	
	7.	EP	0,890,265	A1	01-13-1999	Iterated Systems, Inc.	See Int'l. Search Rep.- Form PCT/ISA/210 (Counterpart to US 5923376 A)	
	8.	WO	9,737,495	A1	10-09-1997	Iterated Systems, Inc.	See Int'l. Search Rep.- Form PCT/ISA/210 (Counterpart to US 5923376 A)	

Examiner Signature		Date Considered	
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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				Group Art Unit	2613
				Examiner Name	An, Shawn S.
Sheet	2	of	2	Attorney Docket Number	APLE.P0035

FOREIGN PATENT DOCUMENTS							
	9.	WO	9,743,860	A1	11-20-1997	Iterated Systems, Inc.	See Int'l. Search Rep.- Form PCT/ISA/210 (Counterpart to US 5790131 A)

NON PATENT LITERATURE DOCUMENTS			
Examiner* Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>8</sup>
	10.	CHOI, J., et al., "A Stable Feedback Control of the Buffer State Using the Controlled Language Multiplier Method," <i>IEEE Transactions on Image Processing</i> , September 1, 1994, pp. 546-558, Vol. 3 No. 5, IEEE Inc., New York, US.	
	11.	LEE, W. Y., et al., "Fast Algorithm for Optimal Bit Allocation in a Rate-Distortion Sense," <i>Electronics Letters</i> , September 26, 1996, pp. 1871-1873, Vol. 32 No. 20, Stevenage, Herts, GB.	
	12.	YANG, Y., et al., "Rate-Distortion Optimizations for Region and Object Based Wavelet Video Coding," <i>Conference Record of the 34<sup>th</sup> Asilomar Conference on Signals, Systems &amp; Computers</i> , October 29, 2000, pp. 1363-1368, Vol. 2 of 2 Conf 34, IEEE, New York, US.	

Examiner Signature	Date Considered
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